

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>ANTHONY CIOFFI, JR.,</b>	)	<b>CASE NO. 4:04CV1836</b>
	)	
<b>Petitioner,</b>	)	
	)	
<b>v.</b>	)	<b>JUDGE PETER C. ECONOMUS</b>
	)	
<b>DAVID BOBBY, Warden,</b>	)	
	)	
<b>Respondent.</b>	)	<b>MEMORANDUM OPINION</b>
	)	<b>AND ORDER</b>

On September 10, 2004, Petitioner Anthony Cioffi, Jr., filed a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging the constitutionality of his criminal conviction (Dkt. #1). The case was referred to Magistrate Judge James S. Gallas pursuant to Local Rule 72.2 (Dkt. #4). On February 7, 2006, the Magistrate Judge recommended that Petitioner's application for habeas corpus be denied (Dkt. #20).

FED. R. CIV.P. 72(b) provides that objections to a report and recommendation must be filed within ten (10) days after service, but Petitioner has failed to timely file any such objections. Therefore, the Court must assume that Petitioner is satisfied with the Magistrate Judge's recommendation. Any further review by this Court would be duplicative and an inefficient use of the Court's limited resources. Thomas v. Arn, 728 F.2d 813 (6th Cir. 1984), aff'd, 474 U.S. 140 (1985); Howard v. Secretary of Health and Human Services, 932

F.2d 505 (6th Cir. 1991); United States v. Walters, 638 F.2d 947 (6th Cir.1981).

Therefore, the Magistrate Judge's report and recommendation (Dkt. #20) is hereby **ADOPTED** and Petitioner's writ of habeas corpus is **DENIED**. Furthermore, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis upon which to issue a certificate of appealability. 28 U.S.C. §2253(c); Fed. R. App. P. 22(b).

**IT IS SO ORDERED.**

/s/ Peter C. Economus - February 27, 2006  
**PETER C. ECONOMUS**  
**UNITED STATES DISTRICT JUDGE**